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09/784,045	02/16/2001	William D. Kirsh	462322000100	2531
25227	7590	03/18/2005	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			MORGAN, ROBERT W	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/784,045	KIRSH ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Robert W. Morgan	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 2/16/01.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-7 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
    1. Certified copies of the priority documents have been received.  
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: line 6 of claim 2 reads "form" and should read "from". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,330,551 to Burchetta et al. in view of U.S. Patent No. 6,766,307 to Israel et al.

As per claim 1, Burchetta et al. teaches method for an automated appeals process using a server with a database connected to a plurality of remote stations over a distributed network, comprising:

--the claimed verifying the user information for registration at a server is met at step 12, where the user first logs into the system by username and the server which checks the user's password against the username (see: column 10, lines 46-55);

--the claimed storing the user information in a secured database is met by memory means (9, Fig. 1) stores the identification of the dispute and the persons involved in the dispute (see: column 4, lines 3-5);

--the claimed generating an appeals form is met by the demand (see: column 3, lines 54-57);

--the claimed printing the appeals form at the remote station is met by the computer capable of using the print service (see: column 18, lines 32-46);

--the claimed receiving the appeals form from the remote station is met receiving a plurality of demands from a first party for a claim (see: column 19, lines 32-33). In addition, Burchetta et al. teaches that the claimant's attorney or other user access the system via the Internet (see: column 8, lines 1-5);

--the claimed verifying information in the appeal form is met by the comparison means for comparing the information corresponding to a series of demands and a series of offers on a round-by-round basis in accordance with preestablished condition (see: column 4, lines 38-41);

--the claimed storing the appeals information in the database is met by memory means (9, Fig. 1) stores the identification of the dispute and the persons involved in the dispute (see: column 4, lines 3-5);

--the claimed determining the status of an appeal is met by the system administrator who may be granted rights to check the case options for start date, end date and status (see: column 7-31). In addition, the computer system matches settlement offer against the claimant's demand and performs its programmed calculations in order to determine whether or not a settlement has been achieved (see: column 4, lines 51-54);

--the claimed storing the status of the appeal in the database is met by the option of the system administrator to Add/Edit information from the database such as case status information (see: column 16, lines 65 to column 50); and

--the claimed sending information on the status of the appeal to a user at a remote station is met by the computer screen displaying current status of case with corresponding details to attorney (see: column 15, lines 23-31).

Burchetta et al. fails to explicitly teach the claimed sending the appeals information to an appeals agency.

Israel et al. teaches a system and method for providing complete non-judicial dispute resolution management and operation where the involved parties may choose to have their dispute forwarded to a mediator or arbitrator via a network communication channel, such as wireless communication, the Internet or any suitable equivalent thereof (see: column 19, lines 1-18).

Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to include sending the appeals information to a mediator or arbitrator as taught by Israel et al. within the computerized dispute resolution system as taught by Burchetta et al. with the motivation of managing and compiling all information related to the disputes for seamless progression negotiations to mediation or arbitration (see: column 29, lines 16-19).

As per claim 2, Burchetta et al. teaches a method for automating an appeals process, comprising:

--the claimed registering a user in a database is met by the user information that allows the user to add/edit information into the database (see: column 13, lines 43-65);

--the claimed collecting user information and appeals information from the user is met receiving a plurality of demands from a first party for a claim (see: column 19, lines 32-33). The Examiner considers the demand to contain user information;

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--the claimed storing the collected information in the database is met by memory means (9, Fig. 1) stores the identification of the dispute and the persons involved in the dispute (see: column 4, lines 3-5);

--the claimed storing the status of the appeal in the database is met by the option of the system administrator to Add/Edit information from the database such as case status information (see: column 16, lines 65 to column 50); and

--the claimed sending the status of the appeal to the user is met by the computer screen displaying current status of case with corresponding details to attorney (see: column 15, lines 23-31).

Burchetta et al. fails to explicitly teach:

--the claimed sending the appeals information to an appeal agency; and  
--the claimed receiving a status of an appeal from the appeal agency.

Israel et al. teaches a system and method for providing complete non-judicial dispute resolution management and operation where the involved parties may choose to have their dispute forwarded to a mediator or arbitrator via a network communication channel, such as wireless communication, the Internet or any suitable equivalent thereof (see: column 19, lines 1-18). In addition, Israel et al. teaches that the mediator or arbitrator reviews and the respective positions and issues a decision to both parties (see: column 19, lines 16-18).

The obviousness of combining the teachings of Israel et al. within the teachings of Burchetta et al. are discussed in rejection of claim 1, and incorporated herein.

As per claim 3, Burchetta et al. teaches a system for an automated appeals process, comprising:

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--the claimed plurality of remote user stations for inputting user information is met by the system designed to allow a user to communicate with the system through a standard PC computer and modem via the Internet (see: column 2, lines 41-43 and Fig. 1 note: 2, 3 plurality of remote user stations);

--the claimed server connected to the plurality of remote user stations over a distributed network, the server receiving the user information from the plurality of remote user stations over the distributed network and generating an appeal form for a user is met at step 12, where the user first logs into the system by username and the server which checks the user's password against the username (see: column 10, lines 46-55). In addition, Burchetta et al. teaches that after entry and confirmation of the user password, the user follow prompts and enters demands (23, Fig. 2) (see: column 8, lines 1-27); and

--the claimed secured database connected to the server, the database storing the user information is met by the application server used for this type of application that uses a platform with the ability to work with open database systems (see: column 18, lines 26-46). In addition, Burchetta et al. teaches a memory means (9, Fig. 1) that stores the identification of the dispute and the persons involved in the dispute (see: column 4, lines 3-5);

--the claimed wherein the server transmits the appeal form to the user at one of the plurality of remote stations and receives a completed appeals form containing appeal information from the user is met by the application server used for this type of application that uses a platform with the ability to work with open database systems (see: column 18, lines 26-46). In addition, Burchetta et al. teaches receiving a plurality of demands from a first party for a claim

(see: column 19, lines 32-33). Furthermore, Burchetta et al. teaches that the claimant's attorney or other user access the system via the Internet (see: column 8, lines 1-5); and

--the claimed server sends a status report to the user at one of the plurality of remote user stations is met by the computer screen displaying current status of case with corresponding details to attorney (see: column 15, lines 23-31). Burchetta et al. further teaches an application server used for this type of application using a platform with the ability to work with open database systems (see: column 18, lines 26-46).

Burchetta et al. teaches an application server used in this type of application uses a platform with the ability to work with open database systems (see: column 18, lines 26-46).

Burchetta et al. fails to explicitly teach the claimed sending the appeal information to an appeal agency.

Israel et al. teaches a system and method for providing complete non-judicial dispute resolution management and operation where the involved parties may choose to have their dispute forwarded to a mediator or arbitrator via a network communication channel, such as wireless communication, the Internet or any suitable equivalent thereof (see: column 19, lines 1-18).

The obviousness of combining the teachings of Israel et al. within the teachings of Burchetta et al. are discussed in rejection of claim 1, and incorporated herein.

As per claim 4, Burchetta et al. teaches a method of automating an appeals process for a user for a denied claim using a database connected to a remote user station over a distributed network, comprising:

--the claimed presenting the user with a medical request form including claim denial information is met by the system communicating to each party the results of the comparison of the demands and offers and results i.e. no settlement or settled at a certain amount (reads on "denial information") (see: column 9, lines 50-52). In addition, Burchetta et al. teaches that all information entered is submitted to central database via the Internet (see: column 9, lines 66-67). The Examiner considers the demand to involve a medical claim which has a medical request form to collect case description information as described by Burchetta (see: column 11, lines 24); and

--the claimed collecting the claim denial information and storing the claimed denial information in the database is met by the system communicating to each party the results of the comparison of the demands and offers and results i.e. no settlement or settled at a certain amount (reads on "denial information") (see: column 9, lines 50-52). In addition, Burchetta et al. teaches that all information entered is submitted to central database via the Internet (see: column 9, lines 66-67);

--the claimed presenting the user with a patient information form for selecting or adding a patient including questions related to a patient and the patient's insurance information is met by user information screen that allow the user to add/edit information into the database such as sponsor name (patient's insurance company) (see: column 13, lines 43-65);

--the claimed collecting patient information and storing the patient information in the database is met by user information screen that allow the user to add/edit information into the database such as sponsor name (patient's insurance company) (see: column 13, lines 43-65);

--the claimed presenting the user with a provider information form including questions about a provider is met by the sponsor information screen that allow the sponsor to add/edit information stored in the database such as sponsor name, address, etc... (see: column 13, line 21-38);

--the claimed collecting provider information and storing the provider information in the database is met by the sponsor information screen that allow the sponsor to add/edit information stored in the database such as sponsor name, address, etc... (see: column 13, line 21-38);

--the claimed collecting appeal status information on a denied claim and storing the appeal status information in the database is met by the case information screen that allows the claimant attorney to view information from the database such as current status of case with corresponding details (see: column 14, lines 64 to column 15, lines 31);

--the claimed presenting the user with a check appeal status form including questions about pending or open appeals related to the user is met by the case information screen that allows the claimant attorney to view information from the database such as current status of case with corresponding details (see: column 14, lines 64 to column 15, lines 31); and

--the claimed collecting check appeal status information and presenting the user with appeal status information stored in the database based on the check appeal status information collected is met by the case information screen that allows the claimant attorney to view information from the database such as current status of case with corresponding details (see: column 14, lines 64 to column 15, lines 31).

Burchetta et al. fails to explicitly teach:

--the claimed collecting the user information including an account name and a password through the registration form;

Israel et al. teaches a new user is direct to register with the system to obtain an account, a username and a password (see: column 9, lines 16-24).

The obviousness of combining the teachings of Israel et al. within the teachings of Burchetta et al. are discussed in rejection of claim 1, and incorporated herein.

As per claim 6, Burchetta et al. teaches the claimed presenting an administrative interface including information on appeals submitted. This limitation is met by the system designed to allow a user to communicate with the system through a standard PC computer and modem via the Internet (see: column 2, lines 41-43). In addition, Burchetta et al. teaches an option of the system administrator to Add/Edit information from the database such as case status information (see: column 16, lines 65 to column 50).

4. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,330,551 to Burchetta et al. and U.S. Patent No. 6,766,307 to Israel et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,858,121 to Barber et al.

As per claim 5, Burchetta et al. and Israel et al. teach that all information entered is submitted to central database via the Internet (see: Burchetta et al.: column 9, lines 66-67).

Burchetta et al. and Israel et al. fail to teach:

--the claimed presenting the user with a credit card information form including questions relating to a credit card; and

--the claimed collecting credit card information.

Barber et al. teaches medical payment system where during the credit card transaction an operator is walked through a series of questions and instructions complete the transaction (see: column 5, lines 21-36).

One of ordinary skill in the art the time the invention was made would have found it obvious to include credit card transaction information as taught by Barber et al. with the system as taught by Burchetta et al. and Israel et al. with the motivation of decreasing the time delay between when a service is provided and the compensation for physician to lowering overhead (see: Barber et al.: column 1, lines 50-53).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claim 7 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,330,551 to Burchetta et al.

As per claim 7, Burchetta et al. teaches a method for an automated appeals process using a server with a database connected to a plurality of remote stations over a distributed network, comprising:

--the claimed receiving a login request from a user is met by the claimant or their attorney entering the website to login to the system (see: column 6, lines 66 to column 7, lines);

--the claimed presenting a welcome screen to the user is met by the greeting (20, Fig. 2) given the user after accessing the system (see: column 8, lines 10-15);

--the claimed receiving a first user selection from the user is met after entry and confirmation of login (22, Fig. 2), the attorney follows the prompts and enters demands (23, Fig. 2) (see: column 8, lines 16-29);

--the claimed presenting a first user screen based on the first user selection is met after entry and confirmation of login (22, Fig. 2), the attorney follows the prompts and enters demands (23, Fig. 2) (see: column 8, lines 16-29);

--the claimed receiving user identification information from the user is met by the sponsor user enters the website to login to the system (see: column 6, lines 50-);

--the claimed presenting a second user screen based on the user identification information is met at step 11 after login, where the sponsor user is presented with a choices of adding/editing cases, viewing all cases for that sponsor, or logout (see: column 10, lines 31-45),

--the claimed receiving a second user selection from the user is met at 13 which is after step 12, where the sponsor user is presented with a participation agreement (see: column 11, line 3-11); and

--the claimed presenting a third user screen based on the second user selection, the third user screen being one of a new appeal screen and an upload screen is met at step 15 where the view cases screen reveals all the information for a given case (see: column 12, lines 17-21).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (6,801,900) Lloyd discloses a system for performing disputes resolution containing a plurality of issue files and corresponding voting forms.

In related art (6,336,095) Rosen shows a system for open electronic commerce including money modules to create a secure transaction environment for both the buyer and seller.

In related art (5,956,687) Wamsley et al. provides a technique for computerized management of a plaintiff's personal injury case.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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